

## REMARKS

The Advisory Action dated November 3, 2009, issued after a Notice of Appeal was filed on October 30, 2009, upholds, without further explanation or response to the arguments made in the Applicants Request for Reconsideration filed on September 1, 2009, the rejections made in the Office Action dated May 1, 2009. Accordingly, the above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 11-22 are pending. By this Preliminary Amendment, Claims 1 – 10 are cancelled without prejudice or disclaimer, Claims 11-20 are amended, and Claims 21-22 are added. Support for the amendments to the claims may be found at least in paragraphs [0044] – [0046] of the application as originally filed. Applicants respectfully submit that no new matter is presented herein.

### Claim Rejection -- 35 U.S.C. 103

The Final Office Action of May 1, 2009 rejected Claims 1-20 under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,422,546 to Nemoto et al. (Nemoto) in view of U.S. Patent No. 6,427,662 to Tanaya et al. (Tanaya). The Applicants respectfully traverse the rejection for at least the following reason(s).

Applicants have cancelled Claims 1-10 without prejudice or disclaimer, thus rendering the rejection of Claims 1-10 moot. The Final Office Action dated May 1, 2009 asserts that Nemoto discloses each and every feature recited in Claim 11 with exception of the feature wherein “a cylinder suspension of the engine is prohibited when an abnormality in an operation state of an active anti-vibration supporting device is

detected" (*Office Action*, p. 4). The Office Action asserts that Tanaya cures the admitted deficiencies of Nemoto.

Claim 11 recites a feature wherein the cylinder suspension of the engine is prohibited to permit the engine to operate in an all-cylinder operational state when an abnormality in an operational state of the active anti-vibration supporting device is detected.

The Final Office Action dated May 1, 2009 newly cited Tanaya in combination with Nemoto to reject Claim 11, as well as dependent claims 12-20. Applicants respectfully disagree with the stated basis of the rejection. In explaining the basis of the rejection, the Office Action considers the "knock control" taught by Tanaya as corresponding to the active anti-vibration supporting device recited by Claim 11 of the present invention. See the sentence bridging pages 5 and 6 of the Office Action. The paragraph of Tanaya specifically relied upon by the Office Action, i.e., column 9, lines 6-15, relates to the fourth embodiment of the invention in Tanaya. The cited disclosure of Tanaya teaches that knock control is prohibited when an abnormality of npn (knock pulse number) exceeding the upper limit is detected. However, Tanaya teaches that the actual control of the knocking of an engine is performed by the "engine control unit". Claim 8 of Tanaya specifically recites that "the engine control unit prohibits knock control." Thus, the "knock control" used throughout Tanaya, and cited by the Office Action, is not a device. Rather, the "knock control" taught by Tanaya is a function of the "engine control unit".

Tanaya actually teaches that when an abnormality of npn exceeding the upper limit occurs, the operation of the engine control unit is not prohibited at all, but the engine control unit is required to perform its one function, i.e., prohibiting knock control. Thus, when such an abnormality occurs, the engine is put in a normal operational state without knock control. The cited teachings of Tanaya are not at all intended to prevent damage from being generated in the engine control unit itself (or in "knock control").

Moreover, with respect to Claim 11, contrary to the Office Action's assertion on page 5, Tanaya does not teach or suggest prohibiting the function of an aspect of the engine when an abnormality in an operational state of the knock control apparatus itself is detected. Rather, Tanaya discloses that an upper limit (npn) is provided for the number of knock pulses detected from the operation of the engine. An abnormality in the engine knock is detected when the upper limit (npn) is exceeded. In the event that the upper limit (npn) is exceeded a number of times beyond a predetermined limit, knock control is prohibited. See Tanaya at Col. 9, lines 2-14. As such, it is the abnormality in the operation of the engine that is detected so that the function of knock control may be prohibited by the engine control unit when the abnormality is determined not to be an instantaneous abnormality. Tanaya does not teach or suggest prohibiting operation of an aspect of the engine when an abnormality is detected in the engine control unit itself, as recited in Claim 11.

Furthermore, Tanaya does not teach or suggest prohibiting the cylinder suspension of the engine to permit the engine to operate in an all-cylinder operational state when an abnormality is detected in the operational state of the engine control unit

itself, as recited in Claim 11. As recited in Claim 11, when an abnormality is detected in a device which is separate from, but associated with, the engine, the cylinder suspension of the engine is prohibited to permit the engine to operate in an all-cylinder operational state. Thus, the present invention avoids the situation wherein an increase of engine vibrations is due to the cylinder suspension itself, and the vibrations cannot be suppressed because the active anti-vibration device is operating abnormally. Instead, the cylinder suspension is prohibited to permit the engine to operate in an all-cylinder operational state.

For at least the reason(s) provided above, Applicants respectfully submit that Nemoto and Tanaya, alone or in combination, do not teach or suggest the invention recited by Claim 11. As such, Applicants respectfully submit that one of ordinary skill in the art would not find it obvious to modify Nemoto according to the teachings of Tanaya, since doing so would not arrive at the invention recited by Claim 11. Accordingly, Claim 11 should be deemed allowable over Nemoto and Tanaya.

Claims 12-22 depend from Claim 11. It is respectfully submitted that these dependent claims are allowable for at least the same reasons that Claim 11 is allowable, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejections.

### **Conclusion**

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 11-22, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107348-00393.**

Respectfully submitted,



William D. Doyle  
Registration No. 60,429

Customer No. 004372  
AREN'T FOX LLP  
1050 Connecticut Avenue, N.W., Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 638-4810

WDD:elp